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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

11 HAL HUBUSCHMAN, Derivatively on) Case No. 3:12-cv-03366-MMC
12 Behalf of FACEBOOK, INC.,)
13 Plaintiff,) **STIPULATION AND [PROPOSED] ORDER**
14 v.) **EXTENDING BRIEFING SCHEDULES ON**
15) **MOTIONS FOR REMAND AND MOTIONS**
16) **FOR STAY; CONTINUING HEARING**
17)
18 MARK ZUCKERBERG, DAVID A.) Judge: Honorable Maxine M. Chesney
19 EBERSMAN, SHERYL K. SANDBERG,) Date: September 7, 2012
20 DAVID M. SPILLANE, PETER A. THIEL,) Time: 9:00 a.m.
21 JAMES W. BREYER, MARC L.) Location: San Francisco Courthouse
22 ANDREESSEN, DONALD E. GRAHAM,) Courtroom 7, 19th Floor
REED HASTINGS, ERSKINE B.) 450 Golden Gate Avenue
BOWLES, and DOES 1-25, Inclusive,) San Francisco, CA 94102
Defendants,)
-and-)
FACEBOOK, INC., a Delaware corporation,)
Nominal Defendant.)

24 STIPULATION AND [PROPOSED] ORDER
25 EXTENDING BRIEFING SCHEDULES ON
MOTIONS FOR REMAND AND MOTIONS
FOR STAY

Case No. 3:12-cv-03366-MMC

1 WHEREAS the *Hubuschman* Action¹ was originally filed in the Superior Court of
2 California, San Mateo County ("State Court") on May 30, 2012; and the *Cole* Action² was
3 originally filed in the State Court on May 31, 2012 (collectively, "Derivative Actions");

4 WHEREAS on June 28, 2012, Defendants³ removed the Derivative Actions to this Court;

5 WHEREAS on July 13, 2012, Defendants filed Motions for Stay of Proceedings Pending
6 Decision on Transfer by the Judicial Panel on Multidistrict Litigation in the Derivative Actions
7 ("Stay Motions");

8 WHEREAS plaintiffs in the Derivative Actions ("Plaintiffs") informed Defendants of
9 their intent to file motions to remand the Derivative Actions to State Court ("Remand Motions");

10 WHEREAS on July 26, 2012, the parties to the Derivative Actions filed a Stipulation
11 Regarding Hearing Dates ("Stipulation"), agreeing to submit briefing schedules for the Stay
12 Motions and the Remand Motions to the Court and agreeing that Plaintiffs' obligation to file
13 oppositions to the Stay Motions was held in abeyance until the parties submit the agreed briefing
14 schedule;

15 WHEREAS on July 27, 2012, the Court entered an Order consistent with the Stipulation;

16 WHEREAS on August 1, 2012, Plaintiffs filed the Remand Motions, and noticed the
17 Remand Motions for a September 7, 2012 hearing date (*Hubuschman* Action, ECF No. 27; *Cole*
18 Action, ECF No. 25);

19

20 ¹ "Hubuschman Action" refers to the action captioned *Hubuschman v. Zuckerberg*, Case No. 12-cv-03366-MMC.

21 ² "Cole Action" refers to the action captioned *Cole v. Zuckerberg*, Case No. 12-cv-03367-MMC.

22 ³ "Defendants" refers to nominal defendant Facebook, Inc., Mark Zuckerberg, David A.
23 Ebersman, Sheryl K. Sandberg, David M. Spillane, Peter A. Thiel, James W. Breyer, Marc L.
Andreessen, Donald E. Graham, Reed Hastings, and Erskine B. Bowles.

1 WHEREAS also on August 1, 2012, Defendants re-noticed the Stay Motions for a
2 September 7, 2012 hearing date (*Hubuschman* Action, ECF No. 25; *Cole* Action, ECF No. 24);

3 WHEREAS the parties to the Derivative Actions have agreed to the following revised
4 briefing schedule on the Stay Motions:

- 5 (a) Plaintiffs will file their oppositions to the Stay Motions on August 21,
6 2012; and
7 (b) Defendants will file their reply briefs in support of the Stay Motions on
8 August 31, 2012.

9 WHEREAS the parties to the Derivative Actions have agreed to the following briefing
schedule on the Remand Motions:

- 10 (a) Defendants will file their oppositions to the Remand Motions on August
11 21, 2012; and
12 (b) Plaintiffs will file their reply briefs in support of the Remand Motions on
13 August 31, 2012.

14 NOW, THEREFORE, pursuant to Local Rule 6-2(a), it is hereby stipulated and agreed by
15 and between the undersigned counsel for Plaintiffs and counsel for Defendants as follows:

- 16 1. Plaintiffs will file their oppositions to the Stay Motions on August 21, 2012; and
17 Defendants will file their reply briefs in support of the Stay Motions on August
18 31, 2012.
19 2. Defendants will file their oppositions to the Remand Motions on August 21, 2012;
20 and Plaintiffs will file their reply briefs in support of the Remand Motions on
21 August 31, 2012.

22 Dated: August 3, 2012

23 Respectfully submitted,

24 ROBBINS UMEDA LLP
BRIAN J. ROBBINS
FELIPE J. ARROYO
SHANE P. SANDERS
GINA STASSI

25 /s/ Shane P. Sanders
SHANE P. SANDERS

STIPULATION AND [PROPOSED] ORDER
EXTENDING BRIEFING SCHEDULES ON
MOTIONS FOR REMAND AND MOTIONS
FOR STAY

2 Case No. 3:12-cv-03366-MMC

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Dated: August 3, 2012

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**STIPULATION AND [PROPOSED] ORDER
EXTENDING BRIEFING SCHEDULES ON
MOTIONS FOR REMAND AND MOTIONS
FOR STAY**

Marc L. Andreessen, Donald E. Graham, Reed Hastings, Erskine B. Bowles and Facebook, Inc.

I, Shane P. Sanders, am the ECF user whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER EXTENDING BRIEFING SCHEDULE ON MOTIONS FOR REMAND AND MOTIONS FOR STAY. In compliance with General Order 45, X.B., I hereby attest that James F. Basile has concurred in this filing.

* * * ORDER * * *

PURSUANT TO STIPULATION, IT IS SO ORDERED.

IT IS FURTHER ORDERED that the hearing on the motions is CONTINUED to September 14, 2012.

August 6, 2012

DATED

Maxine M. Chesney
HONORABLE MAXINE M. CHESNEY
U.S. DISTRICT JUDGE